

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JANE DOE NO. 1, JANE DOE NO. 2, and
JANE DOE NO. 3,

Plaintiffs,

v.

BACKPAGE.COM, LLC, CARL FERRER,
MICHAEL LACEY, and JAMES LARKIN,

Defendants.

Docket No. C.A. 17-cv-11069-LTS

[Proposed] STIPULATION AND ORDER

It is stipulated by and between the undersigned parties, by their respective attorneys, as follows:

1. The Protective Order entered in this case on July 24, 2017 (Dkt. No. 28) (the “Order”) shall be expanded to protect from disclosure, except under the circumstances provided under the Order, any information produced by a Plaintiff in connection with the Court’s order of January 16, 2018, including but not limited to names, email addresses or phone numbers, that were or may have been used in connection with advertisements of a Plaintiff, from which a person could identify a Plaintiff or any trafficker described in the Complaint.

2. The Order also shall be expanded to protect from disclosure, except under the circumstances provided under the Order, any document or information produced by a Defendant in connection with the Court’s order of January 16, 2018, that is confidential in nature.

3. Paragraphs 2-4 of the Order shall be modified, with emphasis added for the sake of the clarity of this Stipulation and Order to any new or modified language, and new Paragraph 5 shall be added, as follows:

“2. The Defendants’ Counsel shall keep private and confidential and shall not disclose or otherwise make known (i) the Names, ~~except as expressly set forth in this Order, or (ii) any identifying information produced by a Plaintiff, including but not limited to names, email addresses, home addresses, phone numbers, and photographs, videos, or other images that were or may have been used in connection with advertisements of a Plaintiff, or from which a person could identify a Plaintiff or any trafficker described in the Complaint (the “Identifying Information”)~~, except as expressly set forth in this Order.

a. The Defendants’ Counsel may share the Names and/or the Identifying Information with the Defendants and with any employee of Backpage.com, LLC, whose knowledge of the Names and/or the Identifying Information is reasonably necessary to the defense of this action. Before any individual receives any Names and/or Identifying Information under this subparagraph, that individual shall complete the certification contained in Attachment A, Acknowledgment of Understanding and Agreement to Be Bound.

b. The Defendants’ Counsel may also share the Names and/or the Identifying Information with their partners, associates, and paralegals who are directly and substantively involved in the defense of this action and with co-counsel, outside general counsel, and other counsel who are directly and substantively involved in the defense of this action.

3. The Defendants with the agreement of the Plaintiff’s Counsel may, or by motion may seek to, expand this Order to permit the Defendants’ Counsel to disclose the Names and/or the Identifying Information to additional individuals or entities whose knowledge of the Names and/or the Identifying Information is reasonably necessary to the defense of this action.

4. Except as set forth in paragraph 2 above, Defendants’ Counsel and all entities and individuals with whom the Names and/or the Identifying Information are shared pursuant to

this Order shall keep the information private and confidential, shall not disclose or otherwise make known the Names **and/or the Identifying Information**, and shall use the Names **and/or the Identifying Information** only for the purpose of the defense of this action, except as permitted by further order of this Court.”

5. Either Plaintiffs or Defendants may designate documents or information as “Confidential” by stamping “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” on such material; or if such material is produced in native form, by stamping “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” on any accompanying coverpage or slipsheet; or if such material is provided orally, by stamping “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” on any transcription thereof. Inadvertent failure to designate material as Confidential, or to stamp every page of a multi-page document “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER,” shall not be deemed a waiver of any claim of confidentiality as to such matter, and the same thereafter may be corrected by supplemental written notice. All Confidential material furnished by either Plaintiffs or Defendants shall be used by the receiving party for the purposes of this action, and may not be disclosed for any purpose unrelated to this action.

Dated: January 25, 2018

FOR JANE DOE NO. 1, JANE DOE NO. 2,
and JANE DOE NO. 3

/s/ John T. Montgomery

John T. Montgomery (BBO #352220)
Aaron M. Katz (BBO #662457)
Jessica L. Soto (BBO #683145)
Rebecca C. Ellis (BBO #685729)
Matthew D. LaBrie (BBO #693698)
ROPES & GRAY LLP
800 Boylston Street
Boston, MA 02199
T: (617) 951-7000
Email: john.montgomery@ropesgray.com
aaron.katz@ropesgray.com
jessica.soto@ropesgray.com
rebecca.ellis@ropesgray.com
matthew.labrie@ropesgray.com

Christine Ezzell Singer (BBO #681525)
Jolene L. Wang (*pro hac vice*)
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036
T: (212) 596-9000
Email: christine.singer@ropesgray.com
jolene.wang@ropesgray.com

IT IS SO ORDERED.

Dated: January 26, 2018

FOR BACKPAGE.COM, LLC, CARL
FERRER, MICHAEL LACEY, and JAMES
LARKIN

/s/ Jeffrey J. Pyle

Robert Corn-Revere (*pro hac vice*)
bobcornrevere@dwt.com
Ronald G. London (*pro hac vice*)
ronnielondon@dwt.com
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, D.C. 20006
Tel: (202) 973-4225

James C. Grant (*pro hac vice*)
jimgrant@dwt.com
DAVIS WRIGHT TREMAINE LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101
Telephone: (206) 622-3150

Robert A. Bertsche (BBO #554333)
rbertsche@princelobel.com
Jeffrey J. Pyle (BBO #647438)
jpyle@princelobel.com
PRINCE LOBEL TYE LLP
One International Place, Suite 3700
Boston, Massachusetts 02110
Tel: (617) 456-8018

/s/ Leo T. Sorokin

HON. LEO T. SOROKIN
U.S. DISTRICT JUDGE
DISTRICT OF MASSACHUSETTS

ATTACHMENT A

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
)	
JANE DOE NO. 1, JANE DOE NO. 2, and)	
JANE DOE NO. 3,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 1:17-cv-11069-LTS
)	
BACKPAGE.COM, LLC, CARL FERRER,)	
MICHAEL LACEY, and JAMES LARKIN,)	
)	
Defendants.)	
_____)	

**ACKNOWLEDGMENT OF UNDERSTANDING
AND
AGREEMENT TO BE BOUND**

The undersigned hereby acknowledges that he/she has read the Protective Order dated _____ in the above-captioned action and attached hereto, understands the terms thereof, and agrees to be bound by its terms. The undersigned submits to the jurisdiction of the United States District Court for the District of Massachusetts in matters relating to the Protective Order and understands that the terms of the Protective Order obligate him/her to use materials designated in accordance with the Order solely for the purposes of the above-captioned action, and not to disclose any such materials or information derived therefrom to any other person, firm, or concern.

The undersigned acknowledges that a violation of the Protective Order may result in penalties for contempt of court.

Name: _____

Job Title: _____

Employer: _____

Business Address: _____

Signature: _____

Date: _____